

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7160-2024

Date of Decision: 16.02.2024

Suresh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Narender Kaajla, Advocate and
Mr. Ajay Nain, Advocate, for the petitioner.

Mr. Karan Garg, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.357 dated 04.08.2023 registered under Sections 147, 148, 149, 323, 324, 427, 459, 506 of IPC and Section 25 of Arms Act and added later Section 326 IPC (Section 25 Arms Act deleted) at Police Station Agroha, Hisar.
2. The FIR in the present case was registered on the basis of the statement made by Mandeep son of Sobha Ram and the same has been reproduced below:-

“ To SHO Sahib, Police Station Agroha. It is requested that I, Mandeep aged 42 years son of Shobharam Gill, resident of village Samain district Fatehabad at present, residing in Dhani in field village Sabarwas district Hisar, education 8th, mobile no. 87083-85459. I am a resident of the above address. I am married and have two sons, the elder of whom is Baljeet 21 years old, and the younger Sunil, 20 years old. Both my sons are unmarried. I am doing farming. About 3

years ago, I had sold my agricultural land in village Samain and bought about 3 acres of agricultural land in village Sabarwas on Gorakhpur Road. Now for the last two years, I have built a house on this purchased agricultural land in village Sabarwas and live there with my family. On the night of 02/3-08-2023, there was no electricity/light in our house, that is why I, my wife Sukhvinder, my elder son Baljeet and younger son Sunil were sleeping on the roof of our house and my mother Bhagi Deva and Mother/Mossie Sunheri Devi was sleeping in the room in the house. At around 1-00 in the night, by scaling the back wall of our house eight young boys climbed on the roof of our house. As soon as they came on the roof of the house, I woke up. At the same time, Amit alias Mitu son of Karan Singh alias Nanuram Gill resident of Samain gave axe (gandasa) blow on the leg of my son Sunil, who was sleeping on cot. When I rushed to the cot of my son Sunil, a boy caught me and then Sachin Dhangri resident Village Maukhra and Sunil son of Dheera village Samain having axe (gandasa) in their hands gave blows on the hands and feet my son Sunil. My other son Baljeet who was sleeping on the mattress on the other side of the roof, Suresh alias Kechar village Rakhi Gadhi and another boy whose name I do not know resident of village Rakhi Gadhi hit him on his hands and feet with axe (gandasa) and 3 others came with them, those names I do not know caused injuries with axes (gandasa's) on the hands and legs of my both sons. When I and my wife intervened, those boys threw us on the terrace and kicked us and hit with punches. Hearing the noise, my mother Bhagi Devi and Sanuheri Devi came upstairs and these boys pushed them and made fall, due to which my mother Bhagi Devi got injured on her right leg. During this all those boys kept threatening to kill us. Out of them Suresh resident of Rakhi Gadhi and Sachin Dhangri village Maukhra also were having pistol each. All the boys caused injuries to my sons with their respective weapons with intention to causing death. We raised alarm but since it was

night time and there was no one around in the fields, therefore no one could come forward to help us. After this five boys went down from the back wall and Three boys including Amit alias Mitu resident of Samain, Sachin Dhanghi resident of Maukhra and Sunil resident of Samain told me to go down and open the door, otherwise you will also get infected with Gandasa. Because of the fear that they would cut me off, I went down and opened the door and thereafter, these three boys exit our house through the front door and these three boys hit our car Fortuner No. HR01-AB-9990 parked in front of our house with Gandasa in broken the front glass and driver side rear mirror. Then all of them came to a car parked on the road near our house. Boarded a car and a motorcycle and went towards village Sabarwas. After this I given information to Harikesh alias Rakesh resident Sabarwas by using my phone; on which Harikesh and his son Sumit came to our Dhani, with whose help, I arranged the vehicle for the treatment of both my sons and got them admitted to Agroha Medical College where the doctor provided primary treatment and then I took to my sons to CMC Hospital, Hissar for better treatment and got admitted there. Treatment of my sons is going on here. The motive behind causing injuries to my sons is that on 08/05/2023 quarrel took place with my son Suneel and Amit @ Mitu resident of Samain and Sachin Dhanghi resident of Mokhra near Hisar. My son Sunil and his friends caused injuries to Amit and Sachin and in this regard and FIR No. 493/2023 was registered. Now I have given complaint to you, action be taken. Sd/- Mandeep, attested by Rajbir Singh, ASI, PS Agroha, Dt. 04.08.2023.”

3. Learned counsel for the petitioner contends that the petitioner has been wrongly named in the FIR. He further contends that the petitioner was neither present at the place of alleged occurrence nor any specific injury has been attributed to him. However, the complaint was made after an unexplained

delay of one day and the petitioner was wrongly attributed a role that he was carrying a pistol. However, during the course of investigation, it was found that the petitioner had not used the pistol in the occurrence. Still further, the petitioner was arrested in the present case on 08.08.2023 and is in custody for the last more than 6 months. The final report under Section 173 Cr.P.C. has already been presented in the present case and the petitioner is the first offender.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he is not entitled to be released on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 08.08.2023 and is in custody for the last more than 06 months. The injured has already been discharged long ago and the recoveries of weapon have already been made in the present case. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

16.02.2024.
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No